

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-CR-20114-KMW**

UNITED STATES OF AMERICA

vs.

CARLOS RAMON POLIT FAGGIONI

Defendants.

/

UNITED STATES PROPOSED VOIR DIRE QUESTIONS

Pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, the United States of America requests that, in addition to the standard questions to be propounded by the Court, the following *voir dire* questions be posed to potential jurors during the jury selection process in the trial of this case. It is further requested that the parties be allowed to propose such additional *voir dire* questions as may become appropriate based upon *voir dire* examination of potential jurors. In addition, the government submits the attached proposed statement of the case.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s Michael N. Berger
Michael N. Berger
Assistant United States Attorney
Court No. A5501557
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel: (305) 961-9445

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 25, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and also sent a word version to williams@flsd.uscourts.gov.

s/ Michael N. Berger
Michael N. Berger

REQUESTED VOIR DIRE NO. 1 (Financial Crimes / Foreign Crimes)

The law provides that certain U.S. money laundering crimes prohibit financial transactions relating to foreign bribery. You also may hear evidence of criminal activity that occurred in part outside the United States.

1. Does anyone have any views about the government charging crimes where some of the conduct occurred in a foreign country? Anyone believe they cannot be a fair juror because the case involves defendants accused of crimes where some of the conduct occurred in a foreign country? Anyone believe that the United States government should not be attempting to prosecute individuals who commit crimes inside the United States while located outside the United States?

2. There are some people who believe that economic crimes, such as money laundering, are less serious than other types of criminal offenses. On the other hand, there are some people who believe that anyone accused of a financial crime should be presumed guilty. In other words, some people have deeply held beliefs about financial crimes and will not focus on the specific evidence at this trial. Does anyone believe that he or she cannot be a fair juror because the defendant is accused of a financial crime?

REQUESTED VOIR DIRE NO. 2 (Prior Experience with Law Enforcement/Government)

1. This case is being prosecuted by the U.S. Attorney's Office for the Southern District of Florida and the U.S. Department of Justice, Criminal Division, Fraud Section, which is an office of the federal government, and was investigated by the Department of Homeland Security Homeland Security Investigations (HSI) and the Federal Bureau of Investigation (FBI). Have you, any member of your family, or close friends had any experience with the DOJ, HSI, FBI, or any other law enforcement agency? Do you have any feelings or views more generally about the DOJ, HSI, or FBI? Please describe any such experience, and your feelings, positive or negative, about any of them.

2. Have you, any member of your family, or close friends been involved in law enforcement, including as state or federal police officers, sheriff's deputies, law enforcement agents, HSI, FBI, or any state or other federal law enforcement agency? If so, what is the nature of your relationship to that person?

3. Have you, any member of your family, or close friends been investigated, arrested, charged, or convicted by any federal, state, or local law enforcement agency? If so, what were the circumstances?

4. Have you, any member of your family, or close friends previously had a significant, unpleasant experience with law enforcement in some important matter? If so, what was the nature of the experience?

5. It is anticipated that law enforcement officers will testify at this trial. Would anything in your prior experience with law enforcement render it difficult for you to impartially consider the testimony of a law enforcement officer?

6. Do any of you have an opinion or belief that simply because an individual is a law

enforcement officer, HSI agent, FBI agent, or an expert retained by the government that their opinion and testimony is automatically truthful and should be given more weight?

REQUESTED VOIR DIRE NO. 3 (Odebrecht)

1. This case, in part, involves allegations of bribery of the defendant by officials from a Brazilian construction company called Odebrecht. Is anyone aware of public reporting related to Odebrecht and bribery? If so, does anything about what you've heard impact your ability to be a fair juror in such a case?

2. This case, in part, involves allegations of bribery of the defendant by Odebrecht in relation to its public construction projects in Ecuador. Is anyone here, a close family member, or friend involved in public construction projects or heavy civil engineering? Does anyone have views about public construction projects or heavy civil engineering that may impact their ability to be a fair juror in this case?

REQUESTED VOIR DIRE NO. 4 (Reinsurance Business)

1. This case, in part, involves allegations of bribery of the defendant by an individual in the reinsurance business. Is anyone here, a close family member, or friend involved in the insurance or reinsurance business? Does anyone have views about the insurance or reinsurance business that may impact their ability to be a fair juror in this case?

REQUESTED VOIR DIRE NO. 5 (Aiding & Abetting / Conspiracy)

1. You will hear that the Defendant in this case is being charged with conspiracy to commit money laundering. The judge will instruct you that a conspiracy is an agreement by two or more persons to commit an unlawful act, and that since the conspiracy is the making of the unlawful plan itself, the Government does not have to prove that the conspirators succeeded in carrying out the plan. Does anyone feel uncomfortable with the idea of charging a person for agreeing to do something illegal? Would you still be able to follow the law?

2. Under the law a defendant can be held responsible for committing a crime even if the defendant only gave assistance and didn't know all of the details of the criminal activity. This is called aiding and abetting. How many of you have heard that term? Do any of you have a problem with the general concept of holding a defendant responsible for a crime if there is evidence that the defendant helped in some way to make the crime succeed? Would any of you require the Government to prove that the defendant was involved in every aspect of the crime?

REQUESTED VOIR DIRE NO. 6 (Cooperator)

1. It is possible that the government may call as a witness an individual charged with a similar crime with whom the government entered into a plea agreement providing for the possibility of a lesser sentence than the witness would otherwise receive. Plea bargaining for a lesser sentence is permitted in our system of justice. Does anyone have any views about individuals who admit wrongdoing and cooperate with law enforcement in exchange for a lesser sentence?

2. It is possible that the government may call witnesses who were involved in wrongdoing that received nonprosecution agreements from the governments in exchange for their cooperation. Such agreements are permitted in our system of justice. Does anyone have any views about individuals who receive nonprosecution agreements in exchange for their cooperation?

3. It is possible that the government may call witnesses who received immigration benefits as part of their cooperation. Such arrangements are permitted in our system of justice. Does anyone have any views about the government providing immigration benefits to foreign nationals who cooperate with law enforcement?

4. It is possible that the government may present recordings of the defendant's statements made by cooperating witnesses without the defendant's knowledge. Such recordings, if admitted into evidence, may be considered as evidence in our system of justice. Does anyone have any views about recordings of an individual made without that individual's knowledge?

REQUESTED VOIR DIRE NO. 7 (Ecuador)

1. Are you, or any family member, or close friend from Ecuador? If so, who? Anything about you or the family member's or close friend's experience with Ecuador that would impact your ability to be a fair juror in a case involving a former Ecuadorian government official?
 2. The defendant in this case was formerly a senior official in Ecuador. Do you, or any family members, or close friends have any strong feelings one way or another regarding Ecuador's current or past government? If so, can you put those feelings aside, be impartial, and evaluate the evidence, and apply the law as I instruct you?
 3. Does anyone here regularly read news sources from Ecuador? If so, which ones?
-

REQUESTED VOIR DIRE NO. 8 (Sitting in Judgement)

1. Do you feel that you could not judge another human being for a criminal act, whether on religious, moral, personal or any other ground?
2. Do you have any strong feelings about the criminal justice system that would interfere with your ability to be fair and impartial?
3. As members of the jury, you are not to consider the sentence that the defendant might receive. That is, you are the deciders of fact and I, as the judge, will determine the appropriate sentence if you convict the defendant. Does any member of the panel feel uncomfortable convicting a defendant without knowing the sentence? Will any of you allow considerations of punishment to affect your judgment of the facts?